

REMARKS

Following entry of the foregoing amendments, claims 3-9 and 13-20 are pending in this application. Claims 16-20 have been added and recite individual compounds set forth in claim 3 which has been rewritten in independent form. Claims 1, 2, and 10-12 have been canceled without prejudice or disclaimer in order to permit allowable subject matter to issue without further delay. Claims 6-9 and 13-15 have been withdrawn for being directed to non-elected subject matter. In this response, Applicants have amended the non-elected claims such that each non-elected claim ultimately depends from independent claim 3. Applicants affirmatively request rejoinder under MPEP 821.03 and *In re Ochiai*.

Applicants reserve the right to file one or more divisional, continuation, or continuation-in-part applications directed to any canceled or withdrawn subject matter.

No new matter has been added by the amendments.

I. Allowable Subject Matter

As a preliminary matter, Applicants wish to express their appreciation for the PTO's indication, on page 4 of the Office Action, that claim 3 would be allowable if rewritten in independent form. In this response, Applicants have redrafted claim 3 in independent form and have amended the remaining dependent claims such that each claim ultimately depends from claim 3. In view of these amendments, Applicants submit that the present application is now in condition for allowance.

II. Request for Rejoinder of Non-Elected Claims

As referenced above, Applicants note that claims 6-9 and 13-15 ultimately depend from claim 3 and respectfully request rejoinder of these non-elected claims.

III. The Rejection Under 35 U.S.C. §112, 2nd Paragraph Should be Withdrawn

On page 2 of the Office Action, the PTO has rejected claims 1-2, 4-5, and 10-12 under 35 U.S.C. §112, 2nd paragraph as allegedly being indefinite. Although Applicants do not acquiesce in this rejection, as referenced above, Applicants have amended the claims in order to permit allowable subject matter to issue without further delay. In view of these amendments by which

all claims depend from independent claim 3, Applicants submit that this outstanding rejection is moot and should be withdrawn.

IV. The Rejection Under 35 U.S.C. §101 Should be Withdrawn

On page 3 of the Office Action, the PTO has rejected claims 10-12 under 35 U.S.C. §101 as allegedly setting forth an improper definition of a process. Although Applicants do not acquiesce in this rejection, Applicants have cancelled claims 10-12 in order to permit allowable subject matter to issue without further delay. Applicants submit that this outstanding rejection is moot and request reconsideration and withdrawal of same.

V. Conclusion

Applicants believe that the claims set forth above are in condition for allowance and respectfully request allowance thereof. The Examiner is invited to telephone the undersigned if that would be helpful in resolving any issues.

The Commissioner is hereby authorized to charge any fees, which may be required regarding this application or credit any overpayment, to Deposit Account No. 50-5071. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge any unpaid amount to Deposit Account No. 50-5071.

Respectfully submitted,

Date: Monday, January 4, 2009

By: /Paul D. Strain/
Paul D. Strain (Reg. No. 47,369)
Attorney for Applicant

Fanelli Strain & Haag PLLC
Customer No. 91436

1455 Pennsylvania Ave. N.W., Suite 400
Washington, D.C., 20004
Tel: 202.621.1840
Fax: 202.621.1844